

CHARGE: Between 10-5-54 and 10-19-54, *Seconal Sodium capsules* and *Dexedrine Spansule capsules* were each dispensed twice upon requests for prescription refills without authorization by the prescribers.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury on 5-26-55, and was concluded on the same day, with a return of a verdict of guilty and the imposition of a fine of \$100.

4830. (F. D. C. No. 37864. S. Nos. 75-391 L, 75-393 L, 75-603/4 L.)

INFORMATION FILED: 4-25-55, E. Dist. N. C., against Joseph H. Clendenin, t/a Service Drug Store, Wilmington, N. C., and George D. Blakely and Alexander G. Millican (pharmacists).

CHARGE: Between 9-29-54 and 10-19-54, *Seconal Sodium capsules* (counts 1 and 3) and *Dexedrine Sulfate tablets* (counts 2 and 4) were each dispensed twice upon requests for prescription refills without authorization by the prescriber.

PLEA: Not guilty.

DISPOSITION: The case came on for trial before the court without a jury on 5-26-55, and was concluded on the same day, with a return of verdicts of guilty against Clendenin on each of 4 counts of the information, against Blakely on count 1, and against Millican on counts 2, 3, and 4, followed by the imposition of the following fines: Clendenin—\$100, Blakely—\$10, and Millican—\$30.

4831. (F. D. C. No. 37857. S. Nos. 77-877 L, 77-881/3 L, 77-887/9 L.)

INFORMATION FILED: 4-21-55, S. Dist. W. Va., against Williamson Medical Arts Pharmacy, Inc., Williamson, W. Va., and Patrick H. Conley (president).

CHARGE: Between 10-14-54 and 10-28-54, *Seconal Sodium capsules* and *Gantrisin tablets* were each dispensed 3 times and *Dexedrine Sulfate tablets* were dispensed once upon requests for prescription refills without authorization by the prescribers.

PLEA: Guilty.

DISPOSITION: 6-2-55. Corporation fined \$1,400. Individual sentenced to imprisonment for 9 months on each of 7 counts of information; sentence suspended and placed on probation for 5 years.

4832. (F. D. C. No. 37220. S. Nos. 38-544 L, 72-114 L, 72-121/2 L.)

INFORMATION FILED: 7-14-55, E. Dist. N. Y., against Nassau Chemists (a partnership), Baldwin, N. Y., and Saul Witheiler and Harry Lichtiger (partners).

CHARGE: Between 5-11-54 and 6-3-54, *Seconal Sodium capsules* were dispensed twice and *Gantrisin tablets* and *capsules containing a mixture of secobarbital sodium and amobarbital sodium* were each dispensed once upon requests for prescription refills without authorization by the prescribers.

PLEA: Guilty—by partnership to all charges reported herein, by Witheiler to dispensing *Gantrisin tablets* and *capsules containing a mixture of secobarbital sodium and amobarbital sodium*, and by Lichtiger to dispensing *Seconal Sodium capsules*.

DISPOSITION: 8-11-55. Partnership fined \$100 and each individual fined \$700.

4833. (F. D. C. No. 37249. S. Nos. 60-267/8 L, 60-442 L, 60-446 L, 60-540 L, 60-542 L.)

INFORMATION FILED: 5-11-55, S. Dist. Fla., against Abraham A. Golden (manager of the store of Whelan Drug Co., Inc.), 200 Lincoln Road, Miami Beach, Fla., and Albert P. Winston and Harold K. Brown (pharmacists).

CHARGE: Between 4-6-54 and 4-12-54, *Gantrisin tablets* (count 5) and *terramycin hydrochloride capsules* (count 6) were each dispensed once without a prescription, and *pentobarbital sodium capsules* were dispensed 3 times (counts 1, 2, and 4) and *Dexedrine Sulfate tablets* (count 3) were dispensed once upon requests for prescription refills without authorization by the prescribers.

PLEA: Nolo contendere—by Golden to all 6 counts of information, by Winston to counts 1, 2, and 3, and by Brown to count 4.

DISPOSITION: 5-23-55. Fine of \$450 against Golden, \$225 against Winston, and \$75 against Brown.

4834. (F. D. C. No. 37172. S. Nos. 84-811/3 L, 85-069/70 L.)

INFORMATION FILED: 12-20-54, E. Dist. Pa., against Harry Z. Kroser, t/a Kroser's Pharmacy, Philadelphia, Pa., and Florence Kroser (a clerk at the pharmacy).

CHARGE: Between 3-16-54 and 4-2-54, *Gantrisin tablets* (counts 2 and 4) and *Gynergen tablets* (counts 3 and 5) were each dispensed twice and *thyroid tablets* (count 1) were dispensed once without a prescription.

PLEA: Guilty—by Harry Z. Kroser to all counts of information; not guilty—by Florence Kroser to counts 1, 2, and 4, which plea was changed to nolo contendere.

DISPOSITION: 5-11-55. Harry Kroser fined \$550, given a 1-year suspended jail sentence, and placed on probation for 3 years.

On 6-8-55, the case against Florence Kroser came on for trial upon her plea of not guilty. In the course of the trial, Florence Kroser offered to change her plea to nolo contendere. The court accepted this plea and fined her \$50 on count 1 and suspended the imposition of sentence against her on counts 2 and 4.

4835. (F. D. C. No. 37211. S. Nos. 75-725 L, 75-729 L.)

INFORMATION FILED: 8-8-55, Dist. Columbia, against Walter Rosenberg and Morris Rosenberg (pharmacists for the Woodley Drug Store), Washington, D. C.

CHARGE: Between 7-6-54 and 7-21-54, *Gantrisin tablets* were dispensed twice upon requests for prescription refills without authorization by the prescriber.

PLEA: Guilty.

DISPOSITION: 8-8-55. Each defendant fined \$300.

4836. (F. D. C. No. 36585. S. Nos. 85-111 L, 85-117 L.)

INFORMATION FILED: 8-2-54, E. Dist. Pa., against George H. Gibson, t/a Gibson's Pharmacy, Philadelphia, Pa.

CHARGE: Between 10-12-53 and 10-16-53, *apiol capsules* were dispensed twice without a prescription.

PLEA: Not guilty.

DISPOSITION: The case was tried before the court without a jury on 9-30-55. The court found the defendant guilty. Thereafter, the defendant filed a motion for a new trial, which the court dismissed on 11-14-55, handing down the following opinion:

KRAFT, District Judge: "The defendant was tried without a jury and adjudged guilty upon two counts of an indictment which charged him with having, on October 12 and October 16, 1953, dispensed certain drugs without a prescription in violation of the Food and Drugs Act. This Act prohibits, inter alia, the